

DEPARTMENT OF BENEFIT PAYMENTS

744 P Street, Sacramento, CA 95814
(916) 322-5330



June 28, 1976

ALL-COUNTY LETTER NO. 76-91

TO: ALL NON-WIN COUNTY WELFARE DIRECTORS

SUBJECT: WORK REGISTRATION/ELIGIBILITY PROCESSES

REFERENCE: EAS 41-441 and 442; 42-100

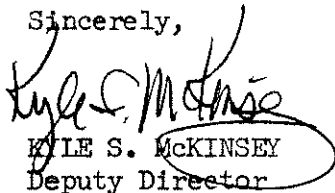
Attached is a copy of the training package developed to aid implementation of the new WIN regulations as they impact non-WIN county work registration procedures. These regulations were filed on an emergency basis and became effective April 1, 1976.

Testimony regarding the WIN regulations was received during public hearings in May. The regulations are currently undergoing revision to incorporate changes resulting from the hearings. This package will be updated as necessary to reflect the content of the final regulations.

The release of this package is not intended to revise or interpret existing regulations, but to facilitate understanding work registration/eligibility procedures defined by regulations currently in effect.

Any problems you may have should be directed to your AFDC Management Consultant at (916) 445-4458.

Sincerely,


KYLE S. MCKINSEY
Deputy Director

Attachment

cc: CWDA

OBSOLETE

Superseded by ACL 77-15

Issued 3-17-77

Non-WIN WORK REGISTRATION/ELIGIBILITY PROCESSES

JUNE 1976



STATE OF CALIFORNIA
HEALTH AND WELFARE AGENCY
DEPARTMENT OF BENEFIT PAYMENTS

NON-WIN

Work Registration/Eligibility
Processes

Based on the September 1975 federal WIN regulations

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INTRODUCTION

Purpose

The purpose of this packet is to clarify the federal WIN regulations as they impact work registration and eligibility in non-WIN counties. It has been developed to convey the intent and to help implement the new regulations.

Regulations

On September 18, 1975, the Department of Health, Education, and Welfare and the Department of Labor issued joint regulations revising program requirements. In order to implement the new federal regulations, the Department of Benefit Payments has developed an extensive regulation package. The Department regulations were filed on an emergency basis March 18, 1976 and become effective April 1, 1976. DBP regulations have been revised to separate WIN (Section 42-600 -691) from non-WIN (Sections 41-441 and 442).

Non-WIN work registration procedures and issues are discussed in DBP regulations 41-441, Procedures for Referral to and Communications with EDD-ES. Section 41-442, Cause Determinations and Penalties, defines issues of failure to cooperate with ES and sets forth good cause criteria for IMU cause determinations. Penalties are discussed in 41-442.2.

The Department has also developed new age regulations revising Section 42-100. These regulations are interrelated with the new WIN regulations and were filed on an emergency basis and were effective March 26, 1976.

Major Changes

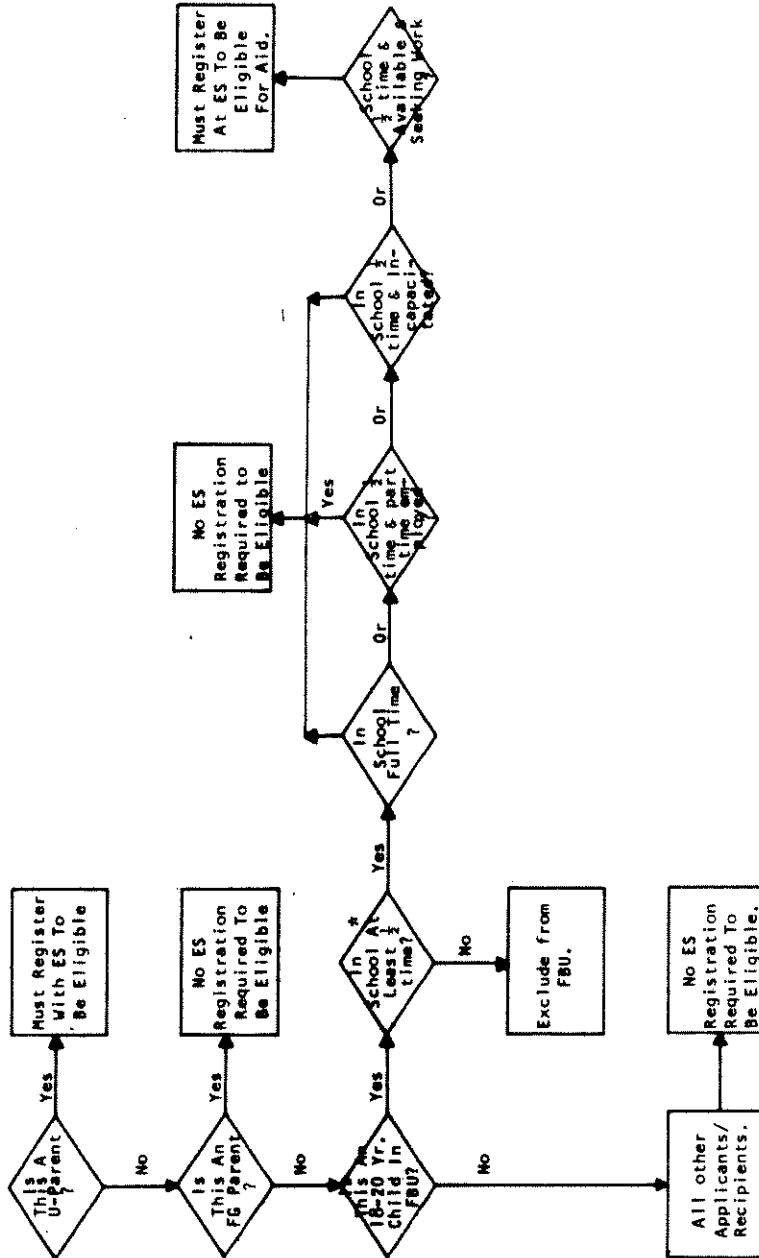
The major change in the new regulations is the distinct separation of WIN registration procedures from non-WIN or Employment Services (ES) registration process. This change eliminates the Separate Administrative Unit (SAU) concept in non-WIN counties. The SAU in non-WIN counties previously conducted good cause determinations; this function is now transferred to the Income Maintenance Unit (IMU).

MAJOR REGULATION CHANGES AFFECTING NON-WIN COUNTIES

1. There are no WIN program requirements in non-WIN counties. Employment Services (ES) registration fulfills the work registration requirements.
2. All U-parents must register for Employment Services and be available for and seeking employment as a condition of eligibility. There are no exemptions from ES registration for those required to register.
3. Only those 18 to 20-year-old children who meet the eligibility requirements by being in school or training at least half time and available for and seeking work must register for Employment Services. An 18 to 20-year-old child in school or training at least half time and part-time employed or incapacitated does not have to register for work. An 18 to 20-year-old in school or training full time is eligible and has no ES registration requirement.
4. Eighteen to twenty-year-old children who are not in school or training at least half time are not eligible for aid.
5. Sixteen to seventeen-year-old children are eligible for aid on the basis of their age regardless of school attendance. Work registration is not required for 16 and 17-year-old children.
6. No work registration is required for FG parents. Food stamp registration requirements may still apply.
7. Refusal or failure of U-parent to register for Employment Services makes the entire FBU ineligible.
8. Failure of U-parents to maintain ES registration results in a 30-day durational penalty from effective date of discontinuance applicable to the entire FBU. The effective date of discontinuance applicable to the entire FBU. The effective date of discontinuance is the end of the month in which the 10-day discontinuance notice expires.
9. Good cause determinations for failure of U-parents to cooperate with EDD-ES are an IMU function.
10. Job search has been eliminated as a requirement of work registration.
11. There is no Separate Administrative Unit (SAU) in a non-WIN county.
12. Because there are no exemptions from ES registration for mandatory registrants, use of the IM-1 is no longer necessary in non-WIN counties.
13. CETA PSE and CETA OJT are considered employment for purposes of deprivation and are, therefore, subject to the 100-hour per month standard.

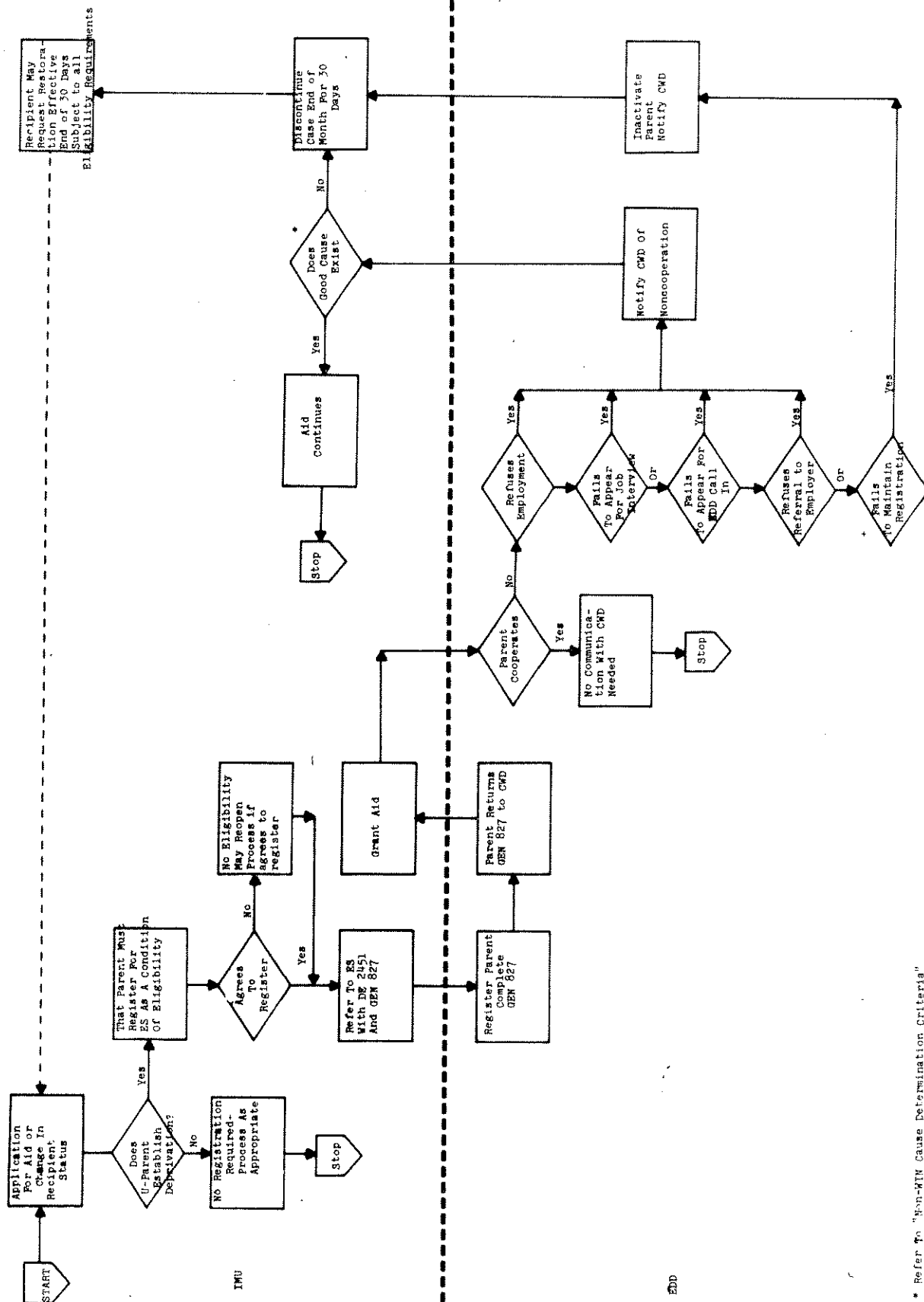
NON-WIN COUNTY

ES REGISTRATION AS A CONDITION OF ELIGIBILITY



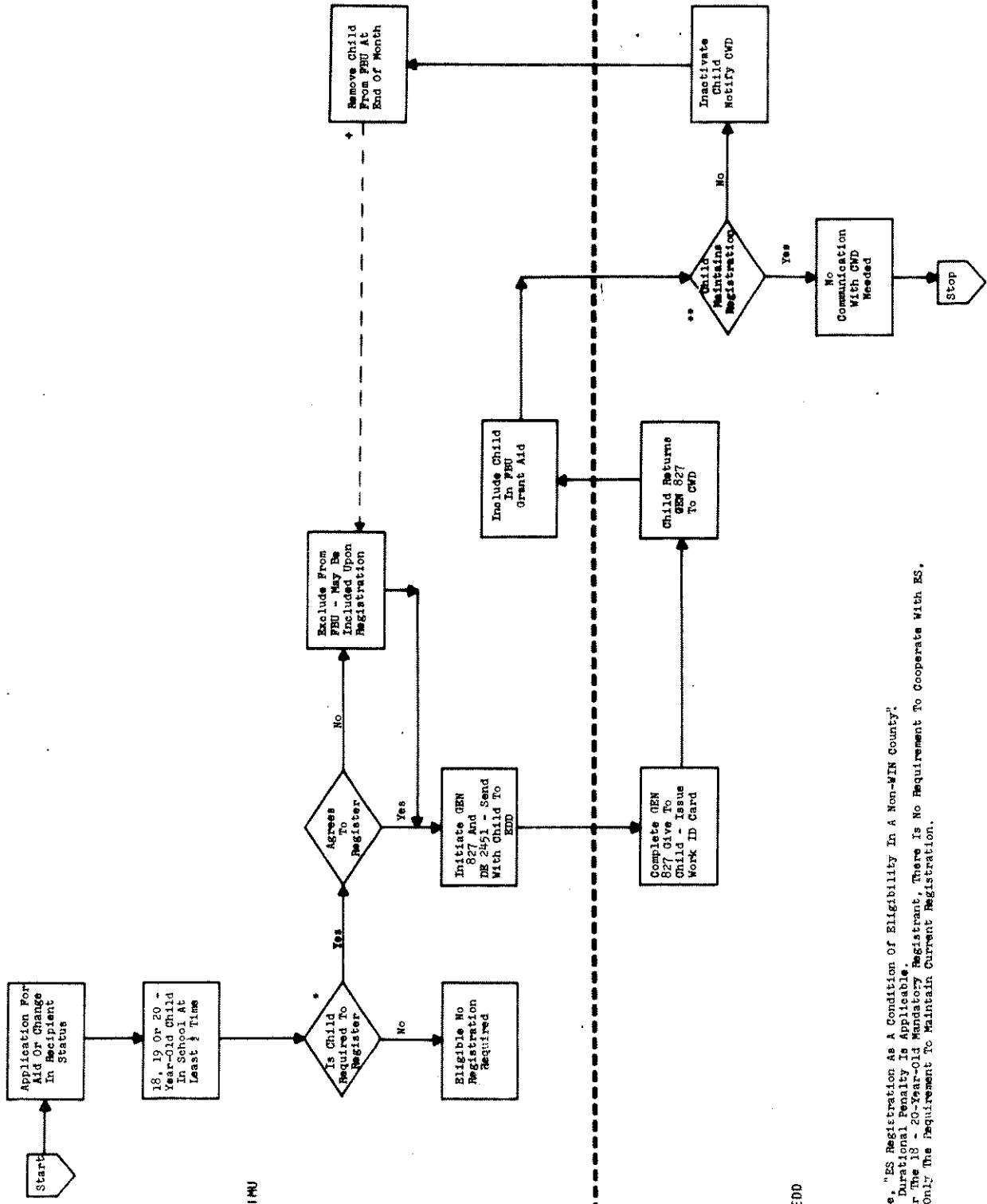
* The term school includes training.

EMPLOYMENT SERVICES REGISTRATION PROCESS U-PARENT NON-WIN COUNTY



* Refer To "Non-Win Cause Determination Criteria"
 * Defined As Failure To Report To ES With Frequency Specified by ES (Every 30, 60, or 90 Days).

EMPLOYMENT SERVICES REGISTRATION PROCESS 18 - 21-YEAR-OLD CHILD NON-WIN COUNTY



* See, "ES Registration As A Condition Of Eligibility In A Non-Win County".
 + No Durational Penalty Is Applicable.
 ** For The 18 - 20-Year-Old Mandatory Registrant, There Is No Requirement To Cooperate With ES, Only The Requirement To Maintain Current Registration.

NON-WIN CAUSE DETERMINATIONS

Actions Requiring Good Cause Determinations	Penalty Imposed	Appeal Possible	Good Cause Determination Includes: (41-442.113 & -133)
<p>U-Parent - Applicant:</p> <ol style="list-style-type: none"> Refuses bona fide job offer or employment related training within 30 days prior to beginning date of aid. Quits a job or employment related training within 30 days prior to beginning date of aid. <p>U-Parent - Recipient:</p> <ol style="list-style-type: none"> Refuses bona fide job offer or employment related training. Quits employment. Quits or fails to participate in approved educational or training program. Fails to respond to EDD-ES call in. Refuses a referral to an employer. Fails to appear at job interview. 	<ol style="list-style-type: none"> FBU ineligible for 30 days from date of refusal. FBU ineligible for 30 days from the date the job was quit. <p>1 - 6 Inclusive</p> <p>The FBU shall be ineligible for 30 days following effective date of discontinuance. Restoration may be requested at the expiration of the 30 day penalty.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<ol style="list-style-type: none"> Is the offer of employment from an employer who does not possess an appropriate business license? Is the offer of employment from an employer who withholds employee contributions for unemployment compensation disability benefits, but does not transmit all such employee contributions to the appropriate state agency? Is the offer of employment from an employer who does not carry worker's compensation or possess a certificate of self-insurance. Does employment or training violate applicable health and safety laws and regulations? Is the wage offered for employment less than the applicable state or federal minimum wage or is it lower than the customary wage in the community for that particular employment, whichever is higher? The acceptance of the employment will preclude completion of a job training or educational program approved by the state or county. The training or job is available due directly to a bona fide strike or lockout. The individual is or was ill or required to care for an ill member of the immediate family and no other care arrangements are feasible. Is employment or training in excess of individual's mental or physical capabilities? Child care was unavailable. He/she was without transportation due to circumstances beyond his control, and was without other means of transportation. He/she was employed in bona fide employment more than 20 hours during that week, had a definite offer of full-time employment, or had a definite promise of recall to full-time employment with a former regular employer to start within 30 calendar days of the failure to report to EDD. He/she was participating in a county approved educational or training program. He/she was prevented from participating or reporting due to physical or mental incapacity. He/she had other substantial and compelling reasons for failure to report or participate as required. Was the applicant/recipient without means of supporting him/herself and family because the training was without sufficient compensation?
<p>Actions Not Requiring Good Cause Determinations</p>	<p>Penalty Imposed</p>	<p>Can Penalty Be Appealed</p>	
<p>U-Parent - Applicant</p> <ol style="list-style-type: none"> Refuses to register for ES. <p>U-Parent - Recipient</p> <ol style="list-style-type: none"> Fails to maintain current ES registration. <p>18-20 Year Old Child Applicant/Mandatory Registrant</p> <ol style="list-style-type: none"> Refuses to register. <p>18-20 Year Old Child Recipient/Mandatory Registrant</p> <ol style="list-style-type: none"> Fails to maintain current registration. 	<ol style="list-style-type: none"> Denial of aid for FBU No durational penalty applied. May register at anytime. The entire FBU is ineligible for 30 days following effective date of <ol style="list-style-type: none"> 18-20 year old excluded from FBU. If 18-20 year old only eligible child entire FBU ineligible. No durational penalty. May register at anytime. 18-20 year old excluded from FBU. If 18-20 year old only eligible child the entire FBU is ineligible. No durational penalty. Eligible upon reregistration. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	
<p>Note: There are no sanctions applicable to 18-20 year olds who do not cooperate with EDD-ES.</p>			

MAJOR AREAS OF POTENTIAL ERRORS
IN NON-WIN COUNTIES

<u>Regulation #</u>	<u>Comment</u>
44-440.15	CETA OJT and CETA PSE are considered employment for purposes of deprivation. Deprivation due to unemployment does not exist if the parent participates in excess of the 100-hour per month standard.
44-441.1	All U-parents must register with EDD-ES as a condition of eligibility.
41-441.3	Potential communication problem area. Inactivation from ES registration may occur without CWD awareness if communications between EDD and CWD are not maintained in a timely manner.
42-103.3	18-20 year old eligibility is based on the age requirements, 42-100, which require <u>at least</u> half-time school or training program participation. The usual verification and "drop-out" problems may occur.

GEN 827 WORK REGISTRATION REFERRAL

The attached form is the GEN 827 Work Registration Referral. This form replaces the MA 5-95 as the referral form for mandatory registrants who are required to register with Employment Services (ES). The MA 5-95 will no longer be used in non-WIN counties.

The applicant/recipient will be sent by the IMU with the GEN 827 and DE 2451 (work application) to ES to register for work. ES will complete the GEN 827 and give the form to the registrant to return to the IMU. The EW shall not grant aid until the completed GEN 827 (yellow copy) is returned indicating that registration has occurred.

The GEN 827 (white copy) will also be used by ES to notify the IMU if the registrant fails to maintain current work registration. Failure to maintain current registration occurs when a registrant fails to report to ES with the frequency required by ES (every 30, 60 or 90 days). When this notification is transmitted by ES to the EW, ES has inactivated the individual from registration; therefore, if the individual is a U-parent, aid to the entire FBU shall be discontinued because the eligibility requirement of work registration is not being met. There are no good cause determinations for failure to maintain current work registration.

WORK REGISTRATION REFERRAL

You are required to report to the Employment Development Department to register for work before you can be eligible for AFDC.

Please take this form to the following Employment Development Department Field Office.

EDD FIELD OFFICE ADDRESS

After registration, return the yellow copy, which EDD will give back to you, to the county welfare department.

COUNTY WELFARE DEPARTMENT OFFICE ADDRESS

COUNTY USE ONLY

CASE NAME

INDIVIDUAL'S NAME

CASE NUMBER

DATE

ELIGIBILITY WORKER

HAS THE CLIENT APPLIED FOR FOOD STAMPS?

☐ YES

☐ NO

EDD USE ONLY

DATE OF REGISTRATION

AUTHORIZED SIGNATURE

In the event the above named individual has failed to maintain work registration, please sign and date below and return to the county welfare office addressed above.

AUTHORIZED SIGNATURE

DATE

DISTRIBUTION:

WHITE COPY: TO BE RETAINED BY EDD
WHILE REGISTRATION IS MAINTAINED

YELLOW COPY: TO BE RETURNED
TO COUNTY WELFARE DEPARTMENT

PINK COPY: TO BE RETAINED BY COUNTY
WELFARE DEPARTMENT

GEN B27 (3/76)

CA 374 (TEMP 1084) WORK REGISTRATION ELIGIBILITY INFORMATION

The attached CA 374, formerly Temp 1084, Work Registration Eligibility Information will be used by Employment Services to notify the IMU of a U-parent registrant's failure to cooperate with ES. The four issues involving failure to cooperate are listed on the CA 374. This form does not mean that ES has inactivated the individual, only that the individual is not cooperating with ES as required.

Issues involving failure to cooperate with ES require an IMU good cause determination. Good cause criteria for these issues are listed in the table "Cause Determinations" (page 6). If the IMU determines that the individual did not have good cause, the IMU may discontinue aid to the family. ES does not require notification of the results of a cause determination because ES provides services regardless of welfare status.

The CA 374 will only be used for communications from ES to the IMU. ES does not require information from the IMU concerning the welfare status or any change of status of an ES registrant for the reason stated previously.

WORK REGISTRATION ELIGIBILITY INFORMATION

TO: County Welfare Department

Case Name: _____

Individual's Name: _____

Case Number: _____

Date: _____

☐ Refuses an offer of employment☐ Fails to appear for interview
with an employer

For employment as _____

Location of job _____

Duration _____

Wages of job _____

Going wage _____

Hrs. of work _____

Union membership _____

Going wage quoted _____

Yes ☐ No ☐Duties of job _____

_____☐ Fails or refuses to respond to EDD call-in
for job or training interview

Telephone called _____

☐ Refuses a referral to an interview with
an employer

Address sent _____

Other _____

Additional Comments: _____

EDD Field Office Address